

Auberry A. Akin

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Folk Stuff - Life and [Range?]

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Rangelore.

Tarrant Co. Dist., [#7?] [37?]

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Auberry A Akin, 66, living at 301 Hemphill St, Fort Worth, Texas, was born Feb. 4, 1872, in Sebastian co. Ark. His father, A. J. Akin, farmed and engaged in the cattle business for his livelihood. Auberry learned to ride a horse and handle cattle at an early age. He started his range career at the age of 10 attending to his father's cattle. At the age of 14 he he worked at cattle driving from Okla. to Kans. His next work was on the Bar H Bar ranch. At the age of 21 he was appointed U.S. Deputy Marshall. During his term as Marshall he came in contact with some of the desperate characters of those days. Among them were Rock Island Buck, Cherokee Bill, James Starr and Bell Starr.

His story of range life follows:

"I was born in Sebastian Co. Ark,' Feb, 24, 1872 on a farm which my father owned. The farm was one and a half mile from the Cherokee Nation of the Indian Terrotery (now part of Okla). My father farmed and delt in cattle. I was reared among hosses, cows and Indians. My mother died when I was 18 days old and while i was an infant an Indian squaw took care of me until I was old enough to be looked after by father. I learned to talk

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the Cherokee language fluently and spent my play days playing kid games with Indian children.

"I learned to ride a hoss early in life and when five years old could ride a gentle hoss. At the age of ten I could handle a hoss sufficiently to be used as a cowhand. C12 - 2/11/41
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"My father and I worked together as two cowhands. He taught me to ride, rope and do the various work connected with handling a herd. In fact, he was my father, mother and teacher. I never attended a school in my life. I received my schooling from 2 father and it was a fair education at that. While I was a young lad father tutored me regularly in the three R's.

"On the farm, which as fenced with split rails as all farms were the days, we raised cotton and corn. Our cattle ranged on the open range, if we had a herd too large for a pasture. However, we generally kept our herd sold down to a low number, excepting during the winter months.

"Father's cattle dealing consisted in buying and selling. He was what was termed a cattle gatherer. There were drovers who came through buying cattle to make up a driving herd and father always sold his stock to them drovers. Therefore, we at times would have about 500 head of critters and at other times practically none.

"Most of the folks in our section of Ark was in the cattle business to some extent and there were some fair size cowcamps. The range was open and free except the territory controlled by the Cherokee Indians. To range cattle on the Indian's land one was compelled to obtain permission from the Cherokee's officials. Arrangements generally are made by payment of a stipulated sum of money. The amount charged, as a rule, was based on the number of cattle to be grazed.

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"Father used the Cherokee range untill the Indians raised the price above 15¢ a head per month and then father considered the price too high. He then used cotton fields after the cotton was gathered. Those cattle would live on the grass and cotton stalks in the fields and a little cottin seed we fed to the animals. Some cattle we placed in the switch cane fields of the bottom 3 land. In those fields the cattle faired well without any supplementary feeding.

"With the cattle grazing in fields fenced with split rails, all we had to do was to watch for sick critters and once in a while look the fence over. The rail fence was not broken easily so the fence gave us practically no trouble. We had nothing much to do with the cattle except when a drover bought some of the animals. When a sale was made we then would have to get out the grade sold..

"When I was 14 years old I went to work for a drover named D Dawson. A crew of us waddies went to the ranches of whom he had bought cattle and gathered the stock. At the conclusion of the stock gathering we then started the drift. Usually the herd consisted of about 3000 head.

"The examination one had to pass in order to qualify for a job with the Dawson outfit, and other ranchers in our section, was to ride a pitching hoss. Generally the pitching hoss was one that would give a party a stiff examination.

"I don't think Dawson thought I could be a cowhand and didn't think I could qualify, or he would not have given me a chance to take the examination. However, he told the trail boss to bring out the professor, but winked while speaking. I mounted the animal and rode the professor to the surprise of all the hands. Dawson could do other than accept me as a hand after my ride and he took me on as a regular hand.

"The driving crew consisted of 13 hands [?] besides the cooky and 4 hoss wrangler.

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"I worked as a pointer and took my turn night riding along with the old rawhides. Dawson drove the cattle to Kans. and the [Cherokee?] Strip country and placed the animals on the range for conditioning before he sold the critters for beef stock.

"The distance of the drives was not far. We generally completed the drives in 30 or 40 days.

"I worked a year for Dawson and during the entire year we had no serious trouble on the drives. I worked with several drives when we did not loose a single critter. We had many stampedes, but none of the runs were hard to handle. Most of the critters were out of small herds and were used to being handled and because of this fact the animals were not scared so easily and would respond to handling.

"The worst stampede I helped to stop was a herd of 500 critters we were holding while gathering critters for a drive. We were holding the herd outside of a little place called Hachett Ark. There was a picnic being held in town to which all the waddies attended except Dick Robinson and I. A storm, with heavy lighting and thunder, started about 3 A.M. A few minutes after the storm started the herd went on the run. There being only two of us to handle the run put us in a quandary, because we knew two men could not do much in the way of stopping the herd. We kept riding and making a wide circle. We were lucky to have the leading critters take to following the hosses and by riding in a wide circle we let the animals run until the animals were tuckered out. Our hosses were also tuckered, but the herd did not scatter and satisfied their desire to run.

"I believe a scared herd has their feelings eased by running and we acted wisely by not trying to stop the animals, but just led the run.

"After spending a year with the Dawson outfit, driving and gathering cattle, I went to work for the Bar H Bar ranch. The ranch was owned by T. J. McMercury and he worked six

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hands grazing from 2500 to 3000 head of cattle. The ranch was located where the town of [Harsshorn?] Okla, is now situated.

"The crew was made up mostly of from the members of the family. Extra hands were hired occasionally, especially during the roundups. Mrs McMercury did the cooking and did her work well. The rest of us did any kind of work which was necessary.

"We had a comfortable camp house to bunk in and we slept in our bunks most every night, except during the roundups.

"The most tedious work was the night riding which we always did. The work was did by two men on each shift of four hours. The men working the last night shift would be the first out the next night and by such rotating of shifts each man secured sufficient sleep.

"The night riding was did princpley to watch for rustlers. The country was infested with petty rustlers. Besides watching for rustlers we kept the herd held to the grazing grounds where we wanted the animals. A few animals would drift away from us, but those we would pick up during the Spring and Fall roundups.

"The genreal roundups were worked by all the ranchesrs 6 co-operating. The roundup crews were farmed by representatives from the many ranches running cattle in the section.

"My experiences during the early days of life was one which only a few men have had. That was living close/ to the the Cherokee Nation and being able to see the Indian in his native element, and dealing with the redmen.

"I learned that the Indian, by nature, was an honest and would keep his word.

"During the early part of my life the Cherokee Nation maintained their own tribal court which tried and pronounced punishment for violators of the tribal laws. The tribal court was

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discontinued when the U.S. Government set up [?] courts to maintain law and order in the Cherokee Nations.

“Most of the Indians got into trouble while full of fire-water (liquor). Shooting was the penalty for murder and occasionally an Indian would be sentenced to be shot. I know of several sentences and the execution/ were [set?] for a future date. The custom was to give the condemned man time to arrange his personal and family affairs. The condemned was allowed to go about at his own will upon a promise to return on the date set for his execution. When the day arrived for the execution the condemned person would be on hand.

“I have in mind one Indian, named, Liver [James?], who was decrepit. The date of his execution was set to take place 60 days after his [execution?]. On the date specified James came riding in on his horse. He was assisted from his mount and the Indian jumped to 7 over to the spot indicated to him. He layed his blanket on the ground and then seated himself on the blanket. He sat on the blanket stolidly waiting for the fatal shot.

“Naturally, there was a crowd gathered to watch the execution. These people had the pleasure of seeing James keep his word and the executioner keeping his word with James. The executioner stepped into position to fire the shot. He raised his gun and took aim. All the while James sat motionless and never changed his expression. The shot was fired and James toppled over dead.

“I know of another incident which was amusing and worth the telling. A young Indian wandered off of the Nation's territory and took on too much firewater. He was arrested, found guilty of being drunk, fined and ordered jailed until the fine was paid. He had no money and when asked if he could get the money at home he answered, 'can no know'. The officers turned him loose and told him to see if he could get the money. The officers didn't expect the lad to return. In fact, did not want to put the boy in jail and turned him loose hoping that he would stay away from town. The boy returned in three days and had

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walked to his home and back a distance of 60 miles and reported to the court saying, 'me no got'.

"To further illustrate Indian character. I shall mention another incident. During the early part of 1900 I was asked by a commette which were arranging for a July 4, celebration to secure an Indian ball game to be played at the picnic. I called on John Tonaker, an Indian whom I knew to be one of the Indian player. The ball game the Indians played was similar to the game of lacross. 8 They used a stick which had a pocket arrangement fastened to the end in which the ball was caught and from which the ball was thrown. When I Spoke to John Tonaker about arrangeing . the game he told me that he that he had been sentenced to be shot by the tribal court, for shooting a man. That the date of the sentence was set on a date three months hence and he would be blessed to play in one more ball game before he paid the penalty.

"He arranged the ball game and played an excellent game. however John was never executed. The tribal court was abolished before the date of John's execution. He is still alive unless he has died during the last three years.

"The Cherokees had their political organizations within the Nation and the rivalry between to two parties was great at times.

"One party was called the Buzzards and the other was called the Eagles. Those prior to the tribal election there were many hot arguements and on one occasion a political dispute ended in a killing.

"I was working on the Bar M Bar at the time the dispute and killing took place. It happened in a shanty a few miles from the ranch. A young Indian stopped at the ranch and said, 'I 'spect John Hokoletuby kill'. He told us where the man was and several of us rode to the shack. We found that the young indian's suspicion was well-founded. Hokoletuby's body

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had 19 bullet holes in it. One bullet had entered his head at the front and another at the side, thus quartering his skull.

"I quit the Bar M Bar ranch in 1893 and took a position with the department of the U.S. Marshall and worked out of the Fort Smith, Ark office. I was what we called a poseman. My duty 9 were to hunt out and bring in the persons wanted. My salary was \$3. per day and expenses, which was better than \$30. per month as a cowhand.

"Doing that work I came in contact with petty theaves, robbers, cattle rustlers, and killers. The Indians, for the most part, rustlers and generally a white man was behind the Indians.

"Henry Starr, a mixed breed Indian, and his wife Bell Starr were notorious Indians, but were cattle and hoss rustlers and not killers. Cherokee Bill was another mixed breed Indian who was notorious and he was a killer. The disturbing element of whites s and Indians operated both within and outside of the Cherokee Nations and gave considerable trouble.

"I shall tell of a few experiences I had dealing with the killers and rustlers to indicate the condition and how people lived in the [Teritory?] and its adjacent section three days.

"One day, the U.S. Marshall ordered a number of us deputies to guard an election which was being hold in the Cherokee Nation. This day it happen that two outlaws, one of whom was named Lee Taylor a fact I learned later, had arranged with a cattle buyer to go with them to the bottoms and look at some cattle they had stated were there and for sale. The buyer was to take the purchase money with him and if the cattle were satisfactory to him, the buyer was to pay for the herd on the spot so the sellers could be on their way. The outlaws were waiting for the buyer, who had gone after the money, when the matter was reported to me. It was a Cherokee Indian who reported the matter to me and said that there were no cattle in the bottom. That condition indicated the men were bent on robbing the buyer. 10 "When the Indian pointed out the two men to me, I placed the men in the outlaw class. I told my partner that we had to try and get the outlaws guns, which were

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in sight, as our first move, because of the number of people present. I knew the outlaws would not care who they shot if a fight started and I did not want to do any unnecessary killing. We had nothing on the men, but could take them on the charge of carrying a gun.

"We moved over to the men slowly and sort of carelessly so as to not attract attention. When each of us deputies were at the side of the men we made a grab for the gun. I got the gun I grabbed for, but my partner missed. The fellow from whom I took the gun ran to an opening between two shacks. While he ran he yelled to his partner, 'shoot the [xs?]'? Federal skunk he has taken my gun'. A crowd of people prevented me from shooting until the fellow was between and at the rear of the two buildings, because I feared hitting some by standers. He ran from the rear of the buildings to a woods. I fired at him, but just barked the trees behind which he was.

"My partner was confronted with the problem of the crowd also, and feared to shoot until his man was in the woods. We went to the woods and found where they had their hosses tethered and of course they rode away.

"A Lee Taylor was wanted for a Post Office robbery and the following week Tandy Walker, Ed brown and I captured Lee Taylor. I was surprised to learn that he was the fellow from whom I took the gun the previous week. In Lee's pocket we found a letter addressed to me. In the letter was written a notice to me that 11 he was going to kill me inside of 30 days.

"Lee Taylor was a killer and if I had walked up to him, the previous week, and tried to arrest him he would have plugged me.

"Rock Island Buck was a notorious train robber and killer, and a tough character. I caught and took him in, but did not know it at the time, who he was.

"Tom Simpson, a new poseman, and I went to get a fellow on a misdemeanor charge and while we were on our way a settler reported that his house had been robbed of a

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gun, featherbed and ax, and that the thieves had taken to property to the bottoms where they were staying in a shanty. The [settler?] went with the two of us deputies and we surrounded the house and watched it until just before daylight. We entered the house quietly and found the men sleeping on the floor using the featherbed for a rest. There were two rifles laying at their side. I reached under the featherbed and found two six-guns. After we had possession of the guns I poked the men in their chest with my gun. The men opened their eyes and instantly reached for their six-guns and then started to cuss.

"I had no handcuffs with me and had to use rawhide string for tieing purpose. We tied their hands behind their backs and compelled the men to mount a hoss. We then mounted behind the men and started to town.

"That evening late, we came to the Sugar Loaf Creek and found the creek was up. The fellow riding in front of me protested about fording the creek with his hands tied. I had him sized up as one not to be trusted and figured I may as well drown him as to shoot him for trying to get away. I spured my mount and it dashed into the water. I knew my hoss was a good swimmer 12 and would make the ford, baring an [?]. The fellow in front of me let out a bunch of cuss words when my hoss hit the water. He yelled, 'You [?]? skunk you are trying to drown me'. He called me everything the human tongue has invented to heap on a man, while crossing that stream, but we crossed the creek without being harmed, except the wetting of our clothes.

"We had to stay at a settler's shanty that night. There was no chance for a bed, because there were no beds. Sleeping on the floor was the best we could expect and I was thankful for the priviledge the settler granted us.

"I told the prisoners that if they would act decent I would allow them to remove their clothing and dry their garments. Each of them promised to be good, but their later action showed /what they ment was that they would be decent unless they found a chance to be otherwise. However, I untied their hands so they could remove their clothing.

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"Simpson was a new man on the force and had not learned to wear his gun at the side of his belt. He had it stuck in front part of the belt. I told him to move the gun to the side where it could not be so easily grabbed. I did not want to shoot a man and that I would have to do if one of them got their hands on a gun. Simpson scuffed ant the idea of anyone getting his gun and left it in the front of him.

"It was only a few minutes after we released the prisoners' hands until one of them made a dive for Simpson's gun and got it. Luckily, I was standing close by and happened to catch the move as the man 13 started his bolt for the gun. I jumped with the fellow and had my gun against his head the instant /he put his hands on Simpson's gun. I bumped my gun against his skull and ordered him to drop Simpson's revolver. Because the party pulled his act I retied the prisoner's hands and compelled them to sleep in their wet clothing.

"When we arrived at Fort Smith, the post office inspector took a look at the men and pointing to the man on my hoss said, 'this man is Rock Island Buck wanted for a number of post office robberies.

"Rock Island Buck was reputed to be among the worst killers and it was the opinion of all officers that he would never be taken without spilling blood. I just played my cards in luck without knowing it.

"The only real bad Indian in those parts during my days there was Cherokee Bill. He was a mixed breed of Indian and negro blood. He had robbed and killed until there was a combination /of rewards, offered by the Government, railroads and express companies, totaling \$10,000 for his capture. That reward was the largest of all rewards offered for any man in the section country.

"Cherokee Bill was captured by Ike Rodgers. Bill and Rodgers were friendly and were in a shanty. Bill stooped over to pick up a live coal out of the fireplace. While/ Bill was in the stooped position Rodgers picked up a iron poker and blasted Bill over the head.

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Rodgers then tied Bill's hands and feet and put him in a wagon for their trip to town, where he turned Bill over to the Marshall. Rodgers motive for turning Bill over to the U.S. Marshall was to collect the reward. 14 "Ike Rodgers never collected the reward. While he was returning home after delivered his captive, Cherokee's brother emptied a charge of buckshot into Ike's head.

"The next chapter in Cherokee's life took place while he was in jail. Cherokee Bill was big as a house and every inch of him was tough. While he was in jail, his daughter slipped him a 45 revolver. He had tow of the jailers with their hands reaching for the sky and the third one in a quandary about Bill's demand to be turned loose, threatening to kill the two jailers if his demand was not complied with.

"At the time Indian James Starr was in jail on a charge of murder for killing U.S. Marshall Floyd Wilson. Starr proposed to the jailers that if they would turn him out of his cell, he would go into Chreokee's cell and get the gun Bill had. The jailer turned Starr out and he walked over the Bill's cell, unlocked the door and walked in. With a gun in his hand, given to him by the jailer, Starr walked up to Cherokee and reached for Bill's gun. Cherokee hesitated a moment, but handed his gun to Starr when Starr said, 'I've come to take your gun'.

"Starr was in for murder, but was not a killer. He was mixed up in hoss rustling with other rustlers. He and his wife occupied the land which was formely owned by the younger brothers, the notorious outlaws of the early days. The Starrs place was used as a pasture for rustled hosses. The rustlers brought the stolen stock the farm and Starr would do the selling.

"When Starr shot Wilson he was wanted on a complaint for some hoss deal. Wilson started to serve papers on Starr and Starr 15 not realizing Wilson had started for him, rode away. Wilson open fire on Starr and Starr spured his hoss to get away from the fire, and at the same time swung his gun back of him firing it. The shot was a chance shot and a

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center hit. It hit Wilson between the eyes. The conditions under which the shooting [was?] did, was known to many people whom were there at the time.

“Because of the act Starr preformed in taking the gun away from Cherokee Bill, Starr was pardoned by the then President Grover Cleveland, which was recomended by many officals and others.

“Later, James Starr, with a gang, was robbing a bank and was killed during the robbery.

“To indicate Starr's nature I shall mention the request he made of his pals, after he was shot and was dying. His pals wanted to fight back, but Starr told them not kill anyone, but to ride away.

“Bell Starr continued to operate the hoss pasture after her husband's death, but was finally killed in her own pasture by a rustler. She became involved in an argument over a settlement for a hoss deal.

“Before Bell Starr was killed and after her husband's death, she put on a stage coach holdup act for an entertainment at a July 4, celebration held in McAlester, Okla. and she put on a good act.

“With the death [of?] Bell Starr, there was only one Starr left engaged in the rustling business, according to what ranchmen said. This Starr was Pony Starr, sone of James. He was served notice by a commettee of vigilantes to leave the country in three days, and he gave them back two of the days. 16 “The vigilantes, maintained that Poney was rustling cattle. However, they may have been mistaken, which they sometimes were. There never was any charge filed against Pony. He finally settled in Texas and has been a good citizen, that is from what I learn. He has never [ha?] been mixed up in any [depredations?] and is a respected citizen by them who know him.

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"I quit the Marshall's office in [1900?] and returned to the cattle business as a buyer and seller. After a few years, I entered the realestate business and have folled the realestate business since.